

CHAPTER XXVII.

BENCH AND BAR.

CHARLES R. CORNING.

There is little save tradition in the early history of Concord's bench and bar. Even after the eighteenth century was far advanced there can be found only the most meager of annals and anecdotes and official records. It was not until Concord had become a promising commercial center that the rise of that professional calling which has had so much to do with the development and progress of the town is seen. While Concord remained a part of Rockingham county it had slight influence in the legal profession; the courts were held at Portsmouth and Exeter, places as far away in point of time as Lancaster and Colebrook are to-day. And yet Concord had both a representative on the bench and a well-known lawyer at the bar as early as the Revolution. Timothy Walker, Jr., has the distinction of having been Concord's first judge, and contemporaneous with him was Peter Green, Concord's first lawyer. These two men were leaders in their time, and well known throughout the state. Timothy Walker, Jr., only son of Timothy Walker, Concord's first minister, was born in Concord, or Rumford as it was then called, in June, 1737. Graduating at Harvard in 1756, he at once began the study of theology, was ordained, and preached for several years.

When the Revolution broke upon New Hampshire Mr. Walker was in trade at the North end, but this he relinquished, and espousing the patriot cause devoted his energies to the service of his country. Few received higher honors or deserved them more than Timothy Walker, Jr. Untiring in the discharge of duty, he was, during the course of the war, a soldier, a financier, a member of provincial congresses, a delegate to the congress at Philadelphia, one of the Committee of Safety, three times a member of our constitutional conventions, a paymaster in the army, and finally a judge of the court of common pleas for his county. This office he held from 1777 to 1809. To enumerate the offices held during his long life would be to describe the civil government of the state, for so wide was his acquaintance and so well established his ability that not only his townsmen but his friends in other sections kept his name constantly before the people. As a citizen

of Concord his name is held in the highest esteem, for he was distinctively a pillar of society. It was owing to his persuasions that the legislature began holding sessions in Concord, and his life was spared long enough to see his native town the settled capital of the state. Socially, as well as politically, Judge Walker was the leader of his time; his interest in local matters was all-absorbing, and his activity embraced banking, town affairs, musical associations, bridge building, a public library, in fact everything tending to promote the welfare of Concord and its inhabitants. Dwelling on the paternal acres, his love of farming was advantageously shown, and in the ancient house built by his father he departed this life in May, 1822.

Whatever distinction belongs to primacy at the bar must be accorded to Peter Green, a native of Worcester, Mass. His birth is given as of 1746. After studying in the office of Samuel Livermore in Londonderry, Mr. Green came to Concord in 1767, and here he passed his life. Peter Green was no ordinary man, and his impression upon the community was deep and long sustained. His career was interesting in its varied phases, and it might not be difficult to construct out of anecdotes and incidents connected with this man a character both picturesque and original. It is on record that during the Revolution his conservatism was mistaken for disloyalty, and he became a prisoner of state. Mobs surrounded his house, and Sons of Liberty left the marks of stones on its shutters. Suspensions in those times quickly suggested action; and the Concord town-meeting, in March, 1777, voted that the parish have no dealings with Peter Green until he give satisfaction of his loyalty, and it further voted to request the courts to disbar him. In all probability Green's offense started in some indiscretion of speech, and passing from mouth to mouth was perverted and magnified until the rankness of treason clung to him. Yet in 1776 the name of Peter Green was fourth on the Association Test.

During the remainder of his life was a leader in social and public affairs; he set the fashion, and rode about in that vehicle of aristocracy, a chaise, and he led the subscription towards erecting a building for the general court, putting down a fifth of the whole amount. His residence stood upon what is now the state house park, and there he entertained his townsmen and distinguished visitors. In 1785 and 1786 he represented Concord in the legislature; in 1787, 1789, and 1790 he was a state senator, and in 1788 he sat in the council. He died in Concord the 27th of March, 1798.

While Concord was by no means a promising field for lawyers during the eighteenth century, and its roll of attorneys is brief, yet there came to the village several students who studied here and made their

mark in later years. The influence of Peter Green was evidently stimulating; for in his office, at different times, were his brothers Nathaniel, Gardner, and Samuel. Then in 1783 there settled in Concord one of the famous Livermore family, Edward St. Loe, and soon after came his brother Arthur. Both became judges. Their stay in Concord was not long, only a few years. Among the students in Mr. Livermore's office was Arthur Rogers, son of the celebrated Robert Rogers, the ranger. In 1793 Rogers opened an office here only to be closed in a year or two.

Earlier than any lawyer save Peter Green was Stephen Scales, a son of James Scales, an old resident of Concord. Mr. Scales practised here in 1770 and 1771, when he took up his residence in Massachusetts.

Another eighteenth century lawyer was Charles Walker, son of Judge Timothy, Jr., born in Concord, 1765, was graduated from Harvard in 1789, and began practice in his native town a few years later. Mr. Walker was Concord's second postmaster in 1801, and from 1806 to 1808 he served as solicitor of Rockingham county.

The judicial system at this period was far from exact, the laws were loosely administered, the people distrusted both bench and bar, litigation was prodigiously expensive and shamefully prolonged. In some instances the judges were taken from farms and non-professional employments, and in but few cases were the places filled with men learned in the law. Up to 1813 the condition of our courts was a burning shame to our intelligence. Three different courts held sway. There was the county court, known as the court of general sessions of the peace, composed of all the justices of the peace in the county. Until 1789 this tribunal held four terms each year, and it was not unusual to behold from twenty to forty unlettered and self-satisfied *quasi* jurists sitting in banc. After that year this aggregation of mischief and misinformation was curtailed as to its sessions, but not as to its absurd membership. Then there came the inferior court of common pleas for each county, consisting of a chief justice and four associates. This court had jurisdiction of civil actions when the damages did not exceed twenty pounds and when the title of land was not in question. Lastly came the superior court of judicature, consisting of a chief and four associates, whose salaries were respectively one thousand five hundred dollars and one thousand two hundred dollars. From time to time certain changes were made in these courts, but no real reform was attempted. Jeremiah Smith, one of the purest of men and a most accomplished lawyer, was chief justice, but so prejudiced were the people respecting the judiciary that the recommendations so often urged by him were a long time unheeded.

In 1813 a political upheaval remodeled the bench, and three years later another upheaval remodeled it again. The legislature now took the subject in hand, and succeeded in partly re-establishing the rusty old system and in partly creating a new one. Nobody pretended to be satisfied, but it so happened that about that time William Plumer was governor, and few public men had a better appreciation than he had of what the judiciary should be or a higher or more independent method of selecting judges. With the establishment of the judiciary in 1816, really begins the bench and bar history of Concord. The superior court of judicature was constituted thus: Chief justice, William M. Richardson; associates, Samuel Bell and Levi Woodbury; while the court of common pleas consisted of two chief justices and twelve associates.

In 1816 there practised in Concord seven attorneys, to wit: Samuel Green, Charles Walker, Moody Kent, Samuel A. Kimball, William Pickering, Samuel Fletcher, and Thomas W. Thompson. This was a distinguished set of men to find in a town without a judge or a court house, and a full day's journey from the county records. The first of these, Samuel Green, was born in Concord the 7th of March, 1770, attended Phillips academy, Andover, entered college, but soon left and began the study of law in the office of his brother, the redoubtable Peter, and was admitted to practice in 1793. He made law his calling, and with three terms in the legislature, —1806, 1807, and 1808,—he was done with politics. His industry seemed better adapted for others than for himself, for in his own affairs there were lacking sagacity and prudence, and he remained far from rich. Among his property was a large estate, with a commodious dwelling, situated on Pleasant Street hill, part of which is now occupied by the Home for the Aged.

In 1819, when Judge Bell left the superior bench to become governor, one of his first official acts was to appoint Mr. Green as his successor. Twenty-one years later Judge Green having reached the age of seventy years, retired, followed by the sincere and profound respect of his associates and the public. In 1832 Judge Green moved to Hopkinton, and at the end of his term on the bench went to Washington, where he received a clerkship under the government, and there he died, the 22d of March, 1852.

Moody Kent was long a familiar name, not only in Concord, but throughout New Hampshire. He was born in Newbury, Mass., the 22d of April, 1779, was graduated at Harvard, 1801, and eight years later came to Concord. Well-to-do by inheritance, a genius for accumulation attended him and he died the wealthiest lawyer at the Concord bar. His professional career extended through more than a score

of years, his clients were numerous, and his cases well conducted. Wealth was his goddess, and few men ever wooed her more persistently. Unmarried, with scant expenses, he could almost hear his money grow. Retiring from practice in the early forties, he passed the remainder of his days in looking after his numerous investments, which reached a quarter of a million dollars at the time of his death in 1866. Among his bequests was a splendid legacy of one hundred and fifty thousand dollars to the Asylum for the Insane.

Samuel Ayer Kimball was Concord born, his birthday being the 3d of March, 1782. He was an alumnus of Dartmouth, 1806, and began practice in Concord about 1816. He served as deputy secretary of state, 1813, 1814, and 1815, was clerk of the senate, and in 1832 a member of the house. Professionally he was not a leader, his business was rather with estates than at *nisi prius*. His death occurred the 16th of October, 1858.

William Pickering, whose name appears among Concord attorneys at this period, can hardly be classed as such, inasmuch as he came here first as private secretary to Governor Langdon, becoming subsequently deputy secretary, and from 1816 to 1829 treasurer of the state. However, he was a welcome addition to the society of the town, and his name was long held in affectionate remembrance after his departure to Greenland, which was ever after his home.

Among the strong individualities then, and for years after, at the bar was Samuel Fletcher. He was essentially a man of business, and withal a stout churchman. Born in Plymouth the 31st of July, 1785, graduating at Dartmouth, 1810, he studied in Concord with Samuel Green, and began practice in 1815. His was a full and busy life, never brilliant nor imposing, yet consistent and methodical, inviting confidence and satisfying expectation. An earnest member of the Congregational church, he was a founder of the present South society and continued until the end of his days a leader in its affairs and a militant Christian on all occasions. Many were the stories told of his lofty bearing and *ex-cathedra* manner, his autocracy, and his notions of church primacy. He was legal adviser to the Theocracy of his time. He was also editor of a religious newspaper called *The Concord Observer*, and from 1842 to 1850 he resided in Andover, Mass., as treasurer of the theological seminary and of Phillips academy. Politically, two terms in the legislature satisfied him, and thereafter he took merely a passing interest in affairs of state, though in town matters he was one of the leaders. He died the 28th of October, 1858.

In Thomas W. Thompson Concord had a leader in more ways than one. Born in Boston the 10th of March, 1766, a graduate of

Harvard in 1786, he began his professional life in the neighboring town of Salisbury in 1794. He soon had a large practice, limited by no means to his town and county, but extending over the state. Political honors came to him, and after a term as solicitor of Hillsborough county, he was chosen to congress in 1805. In 1807-'08 he represented Salisbury in the legislature, then he served as state treasurer, removing to Concord in 1809. From that year to his death, in 1821, he made his home in this town. Thrice he was in the legislature from Concord and was speaker 1812-'13. In 1814 he was chosen a senator in congress for three years to fill out an unexpired term. His interest in Dartmouth was shown in his long trusteeship of twenty years, and more signally shown by his opposition to the famous university scheme. Educated, agreeable, a man of the world, shrewd, cautious, and saving, Mr. Thompson exerted a deep influence in the community, and may well be described as one of Concord's most famous citizens.

At the beginning of the second decade of the nineteenth century the increasing population, the growth of commercial relations, and the accumulation of wealth, not only in Concord but in the neighboring towns, called for the formation of a new county. Inconvenience had become injustice, and the subject could no longer be postponed. But the opposition to the movement was stubborn and prolonged. Hillsborough and Rockingham counties were affected, and from them arose the most strenuous efforts to thwart the plans of those asking for the new political division. During the legislative session of 1821, the county debate let forth a flood of speeches, but without success, as the bill was indefinitely postponed. At this period of the contest it was proposed to call the new county Kearsarge, but by the following year Merrimack had superseded it, and so a suggestive and attractive name was lost.

Isaac Hill was a state senator, and to his exertions a good share of the final victory is attributable; although in the house of representatives Ezekiel Webster championed the measure in speeches of exceeding logic and persuasiveness. At length, after successive defeats, the bill passed in the June session of 1823, the vote in the house standing one hundred and ten yeas, eighty nays, and in the senate, nine yeas to three nays. Politically, the Merrimack county question had important results, for it was a factor in electing Levi Woodbury governor over the regular nominee of the party, and this in turn led to the appointment of John Harris of Hopkinton as Judge Woodbury's successor on the superior bench. Thus it happened that the new county had two of the three judges of the state's highest court, Samuel Green being already a member. The elevation of

Judge Harris made a vacancy in the probate judgeship which Governor Woodbury filled by the appointment of Samuel Morrill of Concord.

Besides the names already mentioned as comprising the bar of Concord, the roll of attorneys in 1823 included the following names: Amos A. Parker, George Kent, Richard Bartlett, and William C. Thompson. Mr. Parker was an editor rather than a lawyer, and as such he was identified with Concord only a short time; he soon went elsewhere, and at the time of his death had nearly reached the age of one hundred years. George Kent, son of William A. Kent, a distinguished citizen, was born in Concord the 4th of May, 1796, was graduated at Dartmouth, 1814, and opened an office here where he continued practice for a number of years. For twenty years he was cashier of the Concord bank (the lower bank), but reverses came, and about 1840 Mr. Kent took up his residence in Boston. Socially he was a leader, and his house was noted for its refined hospitality. In another chapter of this history will be found an account of the mob that visited his house in quest of George Thompson and John G. Whittier, the abolitionists. Richard Bartlett was a native of Pembroke, was graduated at Dartmouth, and began practising his profession in Concord in 1818. He was known as a scholar and antiquarian rather than as a member of the bar, and he left no lasting mark on the legal annals of his time. William C. Thompson, son of Thomas W., was a well educated man, a lawyer of attainments, and a citizen of sterling worth, but his sojourn here was brief, and Plymouth gained what Concord lost.

During the summer of 1823 there appeared this notice in the *Patriot*:

The Justices of the Superior Court will meet at the State House on Wednesday, 20th. August, for the purpose of fixing the limits of the jail yard at Hopkinton.

(Signed)

WILLIAM M. RICHARDSON.
SAMUEL GREEN.

This may seem strange, but it must be borne in mind that at that time Hopkinton was an important place, its population was rising two thousand four hundred, only a few hundred less than Concord, the courts had sat there, and so had several sessions of the legislature. The influence of the town was strong, and competed with Concord for the new county capitol. Although Concord was made the shire town, the jail was kept in Hopkinton until 1852. Following the precedent of the state house location, the legislature affixed to the act creating Merrimack county a condition that there should be erected and furnished in Concord without expense to the county,

previous to August 1, 1823, a suitable building to the acceptance of the justices of the superior court of judicature for the accommodation of the court, and this condition was faithfully carried out by the town and by private contributions. The town house was remodeled and enlarged, and on the second day of January, 1824, was opened for the first session of the court. It was indeed an occasion marking the beginning of the brilliant and interesting annals of Concord's legal and judicial history. The three justices of the superior court were present, attorneys from every county save Coös sat within the bar, while the public seats were filled with spectators representing the social and business life of Concord and its vicinity. The first term continued some time. Cases were transferred from the Rockingham and Hillsborough dockets to the number of ninety-eight; while the entries of new actions reached three hundred and seventy-four. Several prisoners were sentenced to the state prison, and the grand jury found thirteen indictments. The first case tried seems to have been that of *Runnels vs. Bullen*. This was a Concord case, involving certain water rights on Turkey river, and had been before the court several times. Samuel Fletcher appeared for the plaintiff, and Richard Bartlett for the defendant.

In August the court met again, when the docket was enlarged by more than three hundred new entries. A contemporary newspaper, the *Register*, had this to say of the court: "The summer term happens at a busy time of year and the crowds are less, but we are satisfied that Concord is destined to become the great legal thoroughfare of the state. The central situation of the place, the easy and frequent communication with it, its vicinity to the residences of the Judges, are favorable circumstances. Here also resort, in attendance upon the Court, the most distinguished counselors from our other counties, and one in particular from a sister state whose powers of argument and force and elegance of diction already place him in the first order of forensic orators in her great Capitol." This had reference to Daniel Webster, who in those days was a not infrequent visitor at the Merrimack county bar.

In the meanwhile the court of sessions, of which, at this time, the chief was Hall Burgin of Allenstown, and the associates were Israel Kelley of Salisbury, and Peter Wadleigh of Northfield, met at Concord. Its first term, held in October, 1823, was enlivened by the eloquence of Ezekiel Webster, and the logic of Horace Chase, opposing counsel in a celebrated highway case. Mr. Webster spoke for three hours with "sound argument, wit, and humor," holding and delighting the large audience in attendance.

In April, 1825, the court of common pleas, with Arthur Liver-

more as chief, and Timothy Farrar, Jr., and Josiah Butler, associates, began its first Merrimack sitting. Its sessions were held on the last Tuesday of October and the second Tuesday of April, but on this occasion it adjourned after a term of one day, although not until one hundred and twenty-six new entries graced its docket, and John George had been appointed crier.

The probate court of this period had Samuel Morril of Concord as judge, and Henry B. Chase of Warner, register. This court was ambulatory in its movements, holding regular terms in Concord, Salisbury, Pembroke, Hopkinton, Loudon, and Warner.

The first trial in Merrimack county in which a deep public interest was manifested was the Roger E. Perkins will case, as it was called. It arose by an appeal from the probate court, and came on for hearing at the January term, 1826. Mr. Perkins was one of the richest men in the county, and his estate was a large one for that day. The coming trial had been talked over among the people, and the occasion reminded one of a holiday. Not only the cause but the distinguished array of attorneys retained in its management served to attract to Concord an unusual number of visitors. The public and private accommodations of "the street" were well tested, for the people kept coming and going until the last word was said. The remodeled, yet pinched and inconvenient, town house and court house in one was often filled to overflowing, and those that secured front seats were objects of envy. Chief Justice Richardson held the term, and Richard H. Ayer was sheriff. Of this official, who was a prominent man in the community, a comical anecdote is related which illustrates the sharp political rivalries of the period. "When Governor Woodbury appointed Mr. Ayer sheriff," exclaimed a Federalist, "the pigs squealed in Boscawen Plain." "Precisely," responded a fellow partisan, "there is always sympathy among the brethren."

For the first time in the annals of the court the ladies of Concord were invited to seats within the bar, where, no doubt, their presence inspired the professional gentlemen to unwonted exertions.

The array of counsel embraced the leading lawyers in the state, and among them was one whose fame was nation wide, for on the side of the executors was Jeremiah Mason, and associated with him was Ezekiel Webster, then in the plenitude of his remarkable powers. Opposing them were George Sullivan, the attorney-general, Moody Kent, and Richard Bartlett. The contest lasted a week, during which more than fifty witnesses were called. The closing arguments of Mason and Sullivan, who spoke three hours each, were remarkable for force and beauty, and prolonged were the traditions and reminiscences of their well-remembered efforts. For some rea-

son Sullivan had the public on his side, and he made a lively impression on his hearers. Mason was not a popular speaker, his strength lay in another direction, but Sullivan's "elegance of person and dress, logical skill and weight of personal character, combined with his charming diction and elocution, rendered him the most attractive advocate of his time in the state." It only remains to say that the end of all this preparation and intellectual treat was the disagreement of the jury.

Three years after this celebrated case was heard, a sudden and tragic visitation of death fell upon one of the prominent actors in that trial, carrying with it private affliction and public sorrow. It was the death of Ezekiel Webster. The court of common pleas was in session, and the bar and public seats were filled with lawyers and spectators. The forenoon had been occupied in examining witnesses, and Mr. Webster was in his happiest mood. During the noonday recess he strolled up and down Main street with a friend, and soon after passed into the court-room. He had spoken half an hour with all his accustomed force and effect when he suddenly stopped and sank to the floor. Every assistance was at hand, even medical gentlemen being present, but Mr. Webster was dead. So startling was this solemn scene as to overcome the court and bar and the spectators. Tenderly the body was placed in a carriage, and with the judges, the lawyers, and the public walking behind, was borne to the boarding-house kept by Mrs. Mary Ann Stickney, where the deceased made his home while attending court. This sad occurrence took place on Friday, the 10th of April, 1829. The next morning Charles H. Atherton rose in court and spoke feelingly upon the sad event. Resolutions were adopted, and the court, owing to Mr. Webster's numerous engagements, came to an end, though not before the judge, with the lawyers and many citizens, marched to the meeting-house, where Dr. Bouton offered the consolations of prayer and appropriate words.

Not long after this tragic event the court became the scene of the first murder trial held in Concord. In some respects this case and that of LePage, forty years later, have many points in common. Pembroke was the scene of both tragedies, women were the victims in both crimes, and each murderer had two trials. In June, 1833, Abraham Prescott, a young man working as a farmer, killed Mrs. Sally Cochran by striking her with stones and beating her with a stick or club. Prescott was at once arrested and lodged in Hopkinton jail. At the September term of common pleas, 1833, an indictment was found charging him with wilful murder, to which he plead not guilty. The court assigned Prescott eminent counsel in Ichabod

Bartlett and Charles H. Peaslee. An adjournment was had to the spring term, and again to the fall term, when the case was called for trial Tuesday, the 9th of September, 1834. So great was the public interest and so small the court-room as to cause the sessions to be held in the Old North meeting-house. Besides two judges of the common pleas, two judges of the superior bench were also necessary, so the tribunal on this occasion consisted of Chief Justice Richardson with Judge Joel Parker, both of the superior court, and Judges Wadleigh and Whittemore of the common pleas. The state was represented by George Sullivan, the attorney-general, and John Whipple, the county solicitor. There was no question as to the killing, that was admitted, but the defense relied on the insanity of the prisoner. Among the witnesses for the prisoner were Dr. Rufus Wyman, of the Charlestown asylum, and Dr. George Parkman,¹ of Boston, both testifying strongly as to facts pertaining to diseases of the mind. Thursday brought the arguments, and the next day the charge, after which the jury retiring remained out all night, coming in on Saturday morning with their verdict of guilty.

This finding was duly set aside by the superior court and a new trial ordered. The second trial began on Tuesday, the 8th of September, 1835, before Judges Parker and Upham of the superior bench, and Wadleigh and Whittemore of the common pleas. There was no change in the array of counsel, nor was the testimony different from that offered before. Besides the eminent medical witnesses seen on the former trial were Drs. Woodward, Cutter, and Perry, all leaders in their profession. Ichabod Bartlett exceeded his former performance, and spoke to the jury for more than four hours. Judge Parker delivered the charge, and on the evening of Friday the jury went out to consider their verdict. The next morning the foreman announced the fatal words, and a few days later, Prescott, indifferent, stupid, and listless, was brought into court, and Judge Upham sentenced him to death. The date set for the execution was the 23d of December, 1835. Among the legal profession, and to a certain extent among the thoughtful men in the community, there arose grave doubts as to the justice of this verdict. Public sentiment, however, lacked organization, and the law took its course. There appears to have been a strong prejudice against Prescott, and an insatiable desire for retribution; so the well-meaning efforts of calm and even-tempered men were aspersed and ridiculed as maudlin sentimentality. So deeply, however, had these doubts influenced the judges that the chief justice and his associates, on the 15th of December, only a few days prior to the day of execution, wrote a strong and humane peti-

¹ Murdered by Professor Webster, 1849.

tion requesting the governor to respite the prisoner until the meeting of the next legislature, when that body could inquire into the facts and do justice to the case. Governor Badger, moved by a petition so unusual and dignified, respited the death sentence until Wednesday, the 9th of January, 1836. This was the least he could do in the face of a judicial opinion that the death penalty would not tend to promote justice, but the governor lacked courage to withstand public passion. His council, however, made short work of judicial sentimentality and public interference with the vested rights of the people to witness a hanging, and voted that the sheriff do his duty. As illustrating the state of the public mind on the Prescott reprieve, there were burned in effigy in Epsom figures purporting to represent Governor Badger and Isaac Hill, who had also interested himself in the matter. A concourse of people faced the severe cold and the biting winds, and covered the hillsides surrounding the rude gallows on the morning of the appointed day when the wretched and mentally guiltless youth expiated his deed of blood.

Another of Concord's famous trials was the libel suit of *State vs. Parker*, heard in common pleas at the March term, 1838. It was, in fact, a case having its rise in the heated political rivalries of the time; and as such it divided the town on party lines and engendered an enmity and friction which lasted for several years. The prominence of the parties, both then and subsequently, added interest to the proceeding and gave to it an extensive publicity. The indictment charged the respondent with falsely and maliciously composing, making and publishing a certain false, scandalous, and defamatory libel in an affidavit sworn to before Samuel Fletcher, accusing one Barton of having voted twice at the annual town-meeting held in Concord a few weeks before.

Caleb Parker, the respondent, was at that time in the employ of Lewis Downing as a coach builder, while Cyrus Barton, the party aggrieved, was a leading citizen, a democratic politician, and withal the editor of the *New Hampshire Patriot*.

The court-room was closely packed with eager spectators, and even the space reserved for members of the bar was occupied by prominent citizens, by witnesses, and by excited and hot-tempered partisans of both sides. The presiding judge was Nathaniel G. Upham, with Benjamin Wadleigh and Aaron Whittemore as associates. For the state appeared Charles F. Gove, the attorney-general, and Charles H. Peaslee, and for the respondent were Ira Perley and Ichabod Bartlett.

The occasion brought forth the commanding resources and abilities of both sides, and the case was tried with a sparkle and thoroughness

long remembered. Through it all ran the thread of politics, giving to every phase more or less bias, according to the party predilections of jurymen and witnesses.

After a trial lasting three days and affording a rare exhibition of wit and learning, the jury were unable to agree and were discharged. The matter stood as before the trial, although so bitter had been the feelings aroused by the contest that society was divided, and harsh epithets were bandied round for some time to come.

The year 1839 was marked by the retirement of Judge Green, after a long and conscientious service on the bench. The high standing of this judge, together with the deep esteem in which the community held him, combined to give the occasion public significance. On the 22d of September the court-room was filled with professional men and ladies and gentlemen attracted by friendly sentiments towards the retiring official. Here it was that Franklin Pierce, who had become a resident of Concord a year before, charmed the audience with his eloquence as he laid his chaplet wreaths at the foot of the aged judge.

Concord had now reached a period in the history of the legal profession when its bar stood pre-eminent, and gave brilliant promises for the years to come. In 1840 the Concord bar had the following attorneys: Samuel A. Kimball, Samuel Fletcher, and George Kent, already mentioned; John Whipple, Ira Perley, Franklin Pierce, Charles H. Peaslee, Hamilton Hutchins, George Minot, Asa Fowler, Ephraim Eaton, Nathaniel P. Rogers, Stephen C. Badger, Arthur Fletcher, and Nathaniel Dearborn. For a town of scarcely five thousand inhabitants this was certainly a distinguished and unusual array of professional talent, embracing, as it proved, a president of the United States, a chief justice, and an associate justice of the supreme court.

Besides these members of the bar Concord had on the superior bench at this period a learned jurist in Nathaniel G. Upham. Judge Upham was born in Deerfield the 8th of January, 1801, was graduated at Dartmouth in 1820, and came to Concord in 1829. In 1833 he became a judge of the superior court, remaining on the bench ten years, during which he proved his deep learning and sagacity. From the beginning Judge Upham was a leading citizen,—his aid was always prompt in local affairs, his judgment safe, and his execution thorough. How powerful his support was remains to this day one of the refreshing memories of the great state house contest of 1864. For twenty-three years Judge Upham was the managing force in the direction of the Concord railroad; as superintendent and president his best years were devoted to the novel and complex prob-

lems of that corporation. Until the Civil War he was a leader of the Democracy, and it was largely through his skill that the presidential nomination of Franklin Pierce was brought about. Recognizing his abilities, Mr. Pierce appointed the judge as commissioner on the part of the United States to proceed to London for the purpose of composing certain international claims, a mission he conducted with success. Again ten years later President Lincoln made him umpire of a commission created to adjust differences between our citizens and the Republic of New Grenada. As orator on various occasions Judge Upham took high rank, his eulogy on Lafayette and his address on "Rebellion, Slavery, and Peace," being among his best-known efforts. In all things touching the welfare of Concord, no citizen exceeded Judge Upham; his long life was a success, and at his death, in 1869, Concord lost one of its strongest sons. Park street owes its origin to Judge Upham, for in 1831 he built a brick residence (now occupied by his grandson, Dr. Charles R. Walker), and soon after was successful in extending the street through to Main.

John Whipple's native place was Hamilton, Mass., his birthday being the 21st of January, 1789. Graduating at Dartmouth in 1812 he practised law in several towns, finally settling in Concord in 1833. At no period did he attempt an extensive practice at the bar; his inclinations led to advice and consultation and to business matters. He was register of deeds, secretary of the New England Fire Insurance company, and police justice. Politically Mr. Whipple was prominent. He served one term as county solicitor, and so became prosecuting attorney in the two Prescott murder trials. Mr. Whipple was a social man whose house was bright with hospitality, and often among its guests might be seen Salmon P. Chase, whose sister was Mr. Whipple's first wife. Mr. Whipple died the 28th of August, 1857.

If intellect and attainments were measured, Ira Perley deserves a volume to himself, for in these gifts he occupied an unique position. Born in Boxford, Mass., the 9th of November, 1799, and graduating at Dartmouth in 1822, Mr. Perley came to Concord in 1836. His motto might have been "First among peers," for he never knew what it was to come in second. At college, at the bar, and on the bench he was leader by right of mental superiority. His advent at the Concord bar conferred lasting distinction and brought to the town both repute and honor. "He handled questions of jurisprudence with the ease of a master. He had no need in ordinary cases to refer to books; his familiarity with principles gave him the key to most of the problems that came before him. He talked law out of the

abundance of his knowledge. His printed decisions are models. In point of manner and matter, of style and substance, they are unsurpassed in the judicial reports. By the common consent of the profession Judge Perley takes rank with the great jurists of the land, the Marshalls, the Kents, the Parsons." He was a remarkably wide reader, his mind exploring all subjects. Latin, Greek, French, and Italian were his constant companions. His memory was as strong as his mind was acquisitive, and he once surprised his students with a dissertation on trotting horses, giving their pedigree and records, yet no man knew less about horses practically than he. In the words of Sadi, the Persian poet, he reaped a golden ear of corn from every harvest. In 1850 he first went on the bench of the superior court, remaining two years. Five years later under the political reorganization Judge Perley was made chief justice of the supreme judicial court, holding that position until 1859, when he resigned. In 1864 he was again appointed chief justice, continuing as such until 1869 when he reached the age of constitutional retirement. In the truest sense he was a law-giver,—that was his province. At trial terms his manner was not happy, for his temper was quick and easily irritated. Stupidity and rascality sent him into a rage, making the surroundings anything but cheerful. His power of tongue-stinging was phenomenal, and the victims of his wrath had something to remember the rest of their lives. But Judge Perley knew his weakness, and sometimes it caused him profound sorrow. Not always, however, as this anecdote shows. A miserly landlord, after stating his case, told the judge how he had compelled the tenant to pay the same account twice, and chuckling at his shrewdness asked the judge his opinion. "My opinion is that you are a damned rascal, and my fee is five dollars," replied the irate attorney. Judge Perley possessed a social side of great attractiveness, was a fine story-teller, and in his younger days was good at a convivial song. Whist was one of his dearest pastimes, and in it he was a master hand. Those who knew the judge recollect his short stature, his long coat, and in cold weather his fur cap and woolen mittens, his thoughtful gait with bowed head and shaggy eyebrows shading twinkling gray eyes, his abrupt salutation, his originality all his own. Popular, as men go, he was not; but he was deeply respected for his probity and his sterling citizenship, while his mental attainments commanded the profoundest admiration. For many years he resided on the south corner of Spring and Cambridge streets, surrounded by books and every comfort and watched over by his devoted daughters. In this house he died the 26th of February, 1874.

When Franklin Pierce came to Concord in 1838 he brought a

reputation for professional skill and political preferment singularly his own. He was already known as a public speaker of commanding talents both at the bar and on the stump, and this distinction he steadily increased. As a lawyer of the Perley class Mr. Pierce was not a leader, his forte was at *nisi prius* or trials of fact, but whatever he lacked in erudition and application he supplied by most advantageous partnerships, first with Asa Fowler, then with Josiah Minot. As a public man his rise was remarkable, for by the time he joined the Merrimack bar, at the age of thirty-four, he had been twice speaker of the house of representatives, twice elected to congress, and was serving his second year as a senator of the United States.

The presence of such a lawyer could but attract attention, while his prominence as a townsman made the name of Concord a household word throughout the country. In 1842 Mr. Pierce resigned his seat in the national senate, and for the next ten years devoted all his talents to his profession. But the party organization was by no means content with his retirement, for within that decade he was strongly besought by President Polk to accept the attorney-generalship, Governor Steele offered him the place in the senate made vacant by the resignation of Levi Woodbury, and shortly after the Democratic convention tempted him with the governorship. In 1847, however, Mr. Pierce abandoned his law cases on receiving the appointment of brigadier-general, and sailed for Mexico. On his return to Concord there was a grand reception, a sword was presented by the legislature, and various honors were conferred on the popular general. Mr. Pierce presided over the constitutional convention of 1850 with exceeding grace and competency, winning for himself a wide popularity.

After his term as president expired Mr. Pierce lived a life of comfortable ease, giving up his practice, yet remaining in touch with his brothers at the bar and keeping close watch over the public questions of the day. In company with his wife the ex-president passed three years in European travels, returning home in 1860. Three years later Mrs. Pierce, a lady of the deepest refinement and sensibilities, died, leaving her husband the sole survivor of the family, the three children having preceded her to the tomb. At the time of his nomination as president Mr. Pierce lived in the house now standing on the south corner of Main and Thorndike streets, now occupied by Mrs. Augustus Woodbury, but after Mrs. Pierce's decease he changed his residence to the Williams mansion on South Main street, where he died. His law office in 1840, while in partnership with Asa Fowler, was in the Merrimack county bank building, now the property of the New Hampshire Historical society. He afterwards moved as business changed to an office on Park street.

Mr. Pierce could not escape from the bitterness aroused by the Civil War; his relations with Southern statesmen had been too long and intimate for that, and yet so uniform was his courtesy towards his fellow-men as to disarm much of the harshness incident to that period. He is remembered for his kind nature, his generosity in local concerns, and his bounty to those in distress. Fond of riding horseback, his figure was a familiar one on our streets as he rode his beautiful animal, a picture of consummate grace. To young people he was unfailing in attention; and often as he passed along he paused to speak to his youthful friends, to comment, perhaps, on their sports or to wish them a happy hour. His probity was beyond question: he was ambitious without being avaricious, and his long and eventful career enabled him to accumulate an estate of only moderate size, the whole amounting to seventy thousand dollars. He died on the 9th of October, 1869, and was interred in the Minot plot of the old cemetery.

Another of these brilliant brothers of the bar was Charles H. Peaslee. Mr. Peaslee was born in that well-known nursery of lawyers, Gilmanton, on the 6th of February, 1804. Like so many of his contemporaries he was an alumnus of Dartmouth, 1824. Soon after leaving college he took up his residence in Concord, remaining here until about the outbreak of the Civil War. As an advocate Mr. Peaslee will be remembered, for in that branch of his calling few were his equals. As a student he did not excel, yet want of preparation could not be charged against him. The methods prevalent in those days were peculiarly congenial to his disposition, his social amenities making him a welcome companion on all occasions. Genial, kindly, and affable, his claim to popularity was not disputed. It will be recollected that Mr. Peaslee was junior counsel in the Prescott trials, where he added largely to his reputation as a graceful and eloquent advocate. In politics he was a moving force, and held high rank among the leaders of the dominant Democracy. Thrice Mr. Peaslee represented Concord in the legislature, 1833-'36, and signalized his service by strenuous efforts to establish an asylum for the insane. Unsuccessful at first, he never lessened his labors, but traveled over the state addressing audiences on that subject until the object was accomplished. He was really a founder of the asylum, and properly enough served as a trustee from its opening to the day of his death. In military affairs he manifested an active interest, and in 1839 he was appointed adjutant and inspector-general of New Hampshire. Party services, like his, bore fruition in an election to congress, his term embracing the years 1847-'53. When his friend Franklin Pierce became president, the collectorship

of Boston was bestowed on Mr. Peaslee, and four years later, when another succeeded him, he removed from Concord to Portsmouth, which thereafter became his home. His death took place in 1866, while on a visit to Minnesota.

Hamilton Hutchins was born in Concord the 10th of July, 1805, and was graduated at Dartmouth in 1827. His studies for the bar were well directed, and on his admission in 1830 he began practice in his native town. He was well read, but preferred the quiet of his office to the tempests of the court-room, so his fame as a lawyer has long since become lost. He stood well in a critical community, and won a good clientage by the care and disposition of his cases. He died in Concord, the 6th of April, 1851.

Another lawyer of that period was Ephraim Eaton. He was born in Candia the 13th of September, 1808, was graduated at Dartmouth in 1833, studied with Samuel Fletcher and began practice in Concord. Here he remained until 1853, a diligent, painstaking practitioner, with a fair amount of business, yet he seems to have left no permanent record on the annals of the bar. After leaving Concord to take up his residence in Troy, N. Y., Mr. Eaton acquired fame as an inventor and wealth as a member of the firm of Gilbert & Eaton.

In Nathaniel P. Rogers the world lost a fine lawyer and gained a sweet reformer. While Mr. Rogers's career in Concord was almost wholly unconnected with the practice of law, he came here with a professional reputation promising the most brilliant achievements. His tastes were distinctively of a literary kind, his reading was wide and constant, and his writings displayed a wit and mellowness both charming and rare.

He, too, was a Dartmouth graduate, of the class of 1816, and his first years at the bar were passed in Plymouth, his native town. In 1838 he left a good practice and came to Concord as editor of the *Herald of Freedom*. From then to the day of his death in October, 1846, Mr. Rogers gave his all to the cause of anti-slavery and kindred movements. His disposition was bright, and despite his advocacy of unpopular measures he was esteemed by his fellow-citizens. He died here and was buried in the old cemetery, his last request being observed, which was that no stone should mark his grave so long as slavery existed in his country.

Stephen C. Badger, who was in practice at this period, was born in Warner, the 12th of April, 1797, was graduated at Dartmouth in 1823, and moved to Concord in 1834. For several years he served as clerk of courts for Merrimack county, and in 1857 he became special police justice of Concord, holding the position until the age limit. Mr. Badger was more inclined to civil engineering than to pleading,

and in that calling he became noted. He was the father of Benjamin E. Badger, a subsequent police justice of this city. Judge Badger, the elder, died the 29th of October, 1872.

Arthur Fletcher, who was admitted in 1840, enjoyed the distinction of being, unlike the rest of his brothers at the bar, a graduate of Yale. His birthplace was Bridgewater, and his birthday the 1st of October, 1811. Graduating at Yale in 1836, he studied law with his uncle, Samuel Fletcher, and opened an office in Concord, where he lived the rest of his days. Although an excellent lawyer Mr. Fletcher devoted his talents to business, particularly to banking, and while in touch with his profession, he was not closely connected with it. He died the 19th of February, 1885.

Just as these men came upon the scene a genius greater, perhaps, than any of them was leaving it. The celebrated Philip Carrigain, after a long career spent for the most part in Concord, was watching the sands of life as they ran out of the glass. Born in Concord the 20th of February, 1772, a graduate of Dartmouth in 1794, he studied with Arthur Livermore and began practice in his native town. Unquestionably a man of talents and of exceeding urbanity of address, his nimble wit and ready acquisition of knowledge led him to neglect opportunity until the years rose as a barrier to his success. He was a gentleman and respected as such, and if his success in life was small he kept his honor to the end. "No political, agricultural, or social gathering was complete without his presence. A toast, a speech, and a poem were always ready in his prolific brain. He complimented the ladies, flattered the farmers, and won the plaudits of all." In 1805-'08 he was secretary of state and afterwards clerk of the senate. But it was as a map-maker that later generations know him. The legislature engaged him to make a state map, which he succeeded in doing, and for many years it remained the best of the kind in existence. Few of our citizens have left so rich a crop of bright sayings, quick repartee, and pertinent puns as Philip Carrigain; his humorous nature and quaint habits distinguishing him from his fellows, made him a sort of fountain and origin of wit and mirthful sayings. He died here on the 16th of March, 1842.

No man could have been a better complement to another than Asa Fowler was to Franklin Pierce. Nor could two men have differed from each other more than these partners differed. In nearly every mental and physical characteristic they were widely apart. What Pierce lacked Fowler supplied, yet the balance of indebtedness was by no means ill divided. The former was quick in thought and gracious in action, the latter was cautiously slow and self-centered; the one gained clients by attraction, the other kept

them by services thoroughly performed. Pierce loved the forum, with its action and passions; Fowler preferred the quiet of his office. To one the details of business were annoying; to the other they were stimulating, so while one partner was dazzling bench and bar with his brilliancy, the other partner was silently acquiring knowledge.

Asa Fowler was born in Pembroke the 23d of February, 1811, and, graduating at Dartmouth in 1833, began practising in Concord four years later. He had lived here three years prior to that time as a student with Charles H. Peaslee, no bad start for a young lawyer, and in less than two years after beginning practice he formed his connection with Mr. Pierce. This firm lasted six years, and became recognized for its strength and ability everywhere throughout the state. In after years Mr. Fowler had associated with him as partners William E. Chandler and John Y. Mugridge, but generally he was alone in his legal work. From the beginning of his career political matters interested him, and he soon became a recognized leader of his party. His first office was that of clerk of the senate, from 1835 to 1841. He was a member of the coalition legislature of 1845, which elected John P. Hale to the senate, and he was also in the same body in 1847 and 1848. Again in 1871 he was a member and the next year he was chosen speaker. Appointed United States commissioner in 1846, he continued as such until his death.

One of the results of the political overturn in 1855 was the creation of a new court called the supreme judicial court, consisting of a chief and four associates, and to this bench Mr. Fowler was appointed. Concord was certainly well represented in judicial honors, for at one time three members of the Concord bar were judges of that court: Ira Perley as chief, with Ira A. Eastman and Asa Fowler as associates. Judge Fowler brought to his new position an unceasing application for work, combined with a patient investigation of detail such as few judges ever surpassed. To him hard and unrelenting toil was a part of his nature; nothing in the shape of entanglement or perplexities ever disturbed him; he was, all things considered, a machine of infinite capacity. For more than five years, or until February, 1861, Judge Fowler remained on the bench, contributing fully his share to the labors of the court, shunning nothing, and giving his best to his duties. Soon after his resignation he proceeded to Washington as one of New Hampshire's delegates to the famous but fruitless peace convention. During the period of the Civil War Judge Fowler served as solicitor of Merrimack county, retiring at the end of his five years' term. Through all these years of official duties, no man could be busier than he was; his business interests were many,—railroads, banking, and manufacturing claimed

his attention, and subsequently contributed greatly to his wealth. In local affairs he was foremost; in educational matters he was a leader, serving many years as one of the board of education; in social life no one took deeper or wider interest than Judge Fowler. Blessed with unfailing strength, midnight studies in his library were as stimulants to the drudgery of his professional life. He was an all-embracing reader of books, and his shelves were crowded with the best in literature. He was a wonderfully methodical worker, exceedingly painstaking in all he did, very neat and very concise. As a drawer of legal documents and as a framer of important legislative measures, he stood without a rival. For forty years he diligently followed his profession, then settling his affairs aright he passed the remainder of his days in extensive travel. For many years Judge Fowler lived in the Governor Gilmore house, so-called, which in later times has become the property of S. Mary's school. His death occurred the 26th of April, 1885, while on a journey to California.

To maintain a bar so numerous and able as that of Concord involved considerable litigation. But people seemed to love fighting in those days. At the March term of the common pleas, in 1840, four hundred and twenty new actions were entered, three hundred and eighty-four continued, and of all these four only were state cases. One of the distinctive features of society seemed to be its suability. Lawsuits were brought for the most trifling causes, and damages were laid in fabulous amounts. One of the jokes of the period was founded in this very practice, and represents a half-impecunious fellow asking for a small loan from the bank, responding when questioned as to his assets that he was certainly worth more than the loan, for he had been sued the day before with damages laid at five thousand dollars. Litigation increased so rapidly even in Merrimack county, that there were three hundred and thirty-six new entries and about the same number of continuances entered on the September docket of 1843. In a mass of litigation almost entirely civil in its character, a criminal trial became an interesting event. Such a trial was the arraignment of one John Putnam for arson. This was at the March term, 1841. The public interest was thoroughly aroused; crowds flocked to the dingy little court-room, filling the seats and overflowing into the space reserved for the lawyers. On the bench sat Judge Woods, with the customary pair of county judges. These functionaries served as the butt of much ridicule, some calling them flower-pot judges, but they were part of the judicial dignity of the period, and the smaller their services, the greater seemed their dignity and solemn wisdom. The whole trial was a treat of the

highest kind. It was a combat of leaders, a battle-royal of the bar. For the prisoner, were Franklin Pierce, then in the prime of his powers, and Ira Perley, already an athlete of learning. For the state appeared Charles F. Gove, the attorney-general, and Moses Norris, the county solicitor. To have found four lawyers combining among them more attributes of professional distinction would have been difficult,—Pierce with his eloquence, Perley with his knowledge, Gove with his passionate earnestness and skill as a cross-examiner, and Norris with his wealth of precedents and instant application of them. No wonder that the crowd lingered during the recesses, and ate its luncheon on the benches, nor surprising that it reluctantly moved off at nightfall. Trials like this were the amusements of the time, and the court-room was the theater. At last the final arguments were made, leaving in their train countless impressions and recollections that gradually passed into town legends. Fate, however, was against the accused, the jury came in with a verdict of guilty, and Judge Woods at once sentenced him to life imprisonment with fifteen days' solitary confinement.

Another trial about that time was that of *State vs. John Renton*. This was distinctively a local case, and owing to its singular surroundings attracted great attention. It was really a step taken judicially towards the reformation of town customs and personal behavior. Public holidays along about the middle of the nineteenth century, and even down to the seventies, were often celebrated in Concord with untoward hilarity. The spirit of license was abroad, upsetting the peace, invading private rights, and jarring deeply on the circumspect reputation of the citizens. The coming to town of strangers on such occasions may have had something to do with the atmosphere of disturbance; for local jealousies were easily aroused and fights were frequent, still the root of the disorderly practice was peculiarly of home growth. For several years prior to 1842, the scenes enacted on the Fourth of July shocked the sense of decency and kindled a lively sentiment of repression among the people. In 1841, the night of the Fourth was but little less than an orgy of unbridled noise and destruction. The mob of wild spirits held full control, making the night one to be remembered. The selectmen and constables, while doing their utmost to control the tumult, were met with jeers and defiance, and the rioters held full sway. The state house yard was a favorite spot for the display of disorder, and there the crowd was always the largest. Bonfires were set, horns blown, guns discharged, and all kinds of performances indulged in. No species of private property which could by any use contribute to their glee escaped the sharp eyes of the ringleaders. Old wagons,

coach bodies, out-houses, wood-piles, tar-barrels, all were levied upon to feed the great bonfire. At last the town took action. The March meeting of 1842 voted to repress any further violence of the Fourth of July order, but those who were in the game only smiled and made faces. Both sides now waited for the signal. It came with the promptness of fate. No sooner had night fallen over the nation's holiday than the repressed excitement broke forth. It outdid all former disturbances, and came near to an out-and-out riot. The state house yard was a mass of flames, while from the glare fire-balls were thrown into the street and on to the neighboring roofs, endangering everything within reach. In the meanwhile, the authorities were doing their best, all to no purpose. The violence increased by its indulgence, going so far as to seize upon a small dwelling-house and feeding it to the fire in piecemeal. Beautiful maples, the pride of the people and the property of the state, were singed and ruined by the rioters; nothing stayed the wild fury of the night but the weariness of the actors. But retribution was at hand, for, during the next few days, constables were busy serving warrants on the law-breakers. Many were arrested, identified, and ordered for trial, and among them was John Renton. His case was probably a flagrant one and merited punishment, but a riot of this type was not the work of any one man.

The people, however, were in earnest, notwithstanding the social position of many of the culprits, Renton in particular being a member of a well-known family. The trial took place at the October term, before Judge Gilchrist. Again all Concord turned courtward to listen to the proceedings. The trial was a contested one from beginning to end, for Renton's counsel, Bartlett and Peaslee, were in their element. The jury, however, found a verdict of guilty, which was overturned two years later by the superior court. The Renton riot trial was one of Concord's celebrated cases, and while it did not wholly stop the trouble, it had much to do with diminishing it.

All was not serene between the political leaders Isaac Hill and Franklin Pierce during the decade 1840-'50, and there is one case on record in which their rivalries were introduced into a court of law. John Fellows had sued Governor Hill for labor performed, the damages being laid at thirty dollars, and the trial came on before Judge Gove, in common pleas. Pierce and Fowler were for Fellows and Sylvester Dana for Hill. Just as the trial was opening, Mr. Pierce, holding in his hand a copy of Hill's *Patriot*, called the attention of the court to a certain editorial it contained, and proceeded to read it.

There was instant objection, which was overruled, and the reading went on. The article certainly came perilously near contempt. It was written in the virile style so characteristic of Mr. Hill, and lashed Pierce and everybody connected with the case. The tone towards Mr. Pierce was spiteful and bitter, and the whole wound up by calling the plaintiff a scoundrel. Judge Gove, while recognizing the gross improprieties of the publication, endeavored to compromise the incident, but without avail. Mr. Hill had his say in open court, which called down upon himself the reprimand of the judge, the sarcastic comments of counsel, and the passionate reflections of a certain rival newspaper of the time. The trial, however, was so personal in its nature as to furnish food for town consumption for many a month until other matters diverted public attention.

During this fourth decade of Concord's legal history business had increased to such an extent that enlarged accommodations had become necessary for carrying on county affairs. The old court house built in 1790 for town purposes had, notwithstanding the alterations of 1823, become altogether too small and inconvenient for the purposes of the court and bar. Moreover, the insecurity of the building was a constant danger to the public records, for not only was the edifice constructed wholly of wood, but its uses as a place for promiscuous meetings and diverting entertainments were not calculated to enhance its safety. In fact to such a medley of strange uses had the ancient structure been subjected that it was popularly referred to as the Noah's Ark. Therefore in 1843 the county convention voted to raise twenty-five hundred dollars for a brick building with fire-proof safes for the occupancy of the register of deeds and the register of probate. The following year saw the work finished and the building opened for business. The old court house described elsewhere in this history stood at the north of the new building, the latter occupying a site a little, perhaps, in front of the present city hall. It was broadside to Main street, with a door in the center, and was reached by a winding gravel walk. It was two stories in height, devoid of beauty, and primitively severe in all respects. This structure withstood the critical taste of Concord about ten years, when it was blotted from sight by demolishing it and using its bricks in constructing the inner walls of the present city hall and county building.

That this attempt at county architecture was not looked upon as a creation of beauty or utility seems evident from this criticism in the *Patriot* :

"The new County building is a little narrow, contracted concern about the size of our farmers' common corn houses, stuck into the street about half its length in front of the old Court house, and look-

ing as though it might be a picker to a factory or an advanced guard house to some old barracks."

Now that the new building had been completed, it was voted to repair the old court house, consequently after the manner of fixing a sieve, the roof was patched, a piazza added, the comical cupola was enlarged, and the edifice both inside and out treated to several coats of fresh paint. But after all had been done no one pretended to be satisfied, the judges criticised, the suitors and their lawyers stormed at its primitiveness, while the public snarled at the sum of money thrown away on the ancient "Ark."

Each year added to the unpopularity of these county make-shifts until 1854, when the leading men of the county and the city met to take measures looking to the erection of a structure that would afford adequate accommodations and at the same time be an ornament to the town. The result was the selection of a commission consisting of Judges Whittemore and Woodbury, on the part of the county, with Richard Bradley, Nathaniel B. Baker, John Abbot, Josiah Minot, and Joseph B. Walker on the part of the city, under whose direction the work was at once begun. Additional land belonging to the Deacon Hall and the Captain Nathan Stickney estates was bought, the record building torn down, while the two dwelling-houses standing on the lot, together with the historic but much derided court house and town house, were sold at auction. One of those dwellings, surmounted by a cupola, is now standing in Fosterville; but the old hall of justice, after fetching three hundred and ten dollars, was moved to the rear of Stickney block and subsequently destroyed by fire.

The corner-stone of the present city and county building was laid on the afternoon of Friday, the 25th of May, 1855, although at that time the foundations were all in and the first floor temporarily covered over. The exercises were conducted by Blazing Star Lodge of Free Masons, assisted by the city government and distinguished gentlemen, among whom were Governor Baker and Mayor Clement, who made appropriate addresses. Two years, however, were to elapse before architect Joshua Foster was ready to turn over the building to its owners, for it was not until January, 1857, that everything was ready for occupancy. City hall was formally opened on the twenty-first of that month by a concert given by the music pupils of Morey and Davis, at which speeches were made by Richard Bradley, General Low, and Colonel William Kent. The court-room was inaugurated at a term of common pleas presided over by Judge Jonathan E. Sargent, and the *Statesman*, in its issue of the 10th of January, contains this reference to the event:

“An adjourned term of the Court of Common Pleas was commenced yesterday (Tuesday, the 6th), and in the new, spacious, and every way suitable apartment in the Court House just completed. The hall, where justice is henceforth to be dispensed within and for the County of Merrimack, is in keeping with its wealth, intelligence, and population. The Court room is properly and economically fitted for its intended uses. It is prepared for lighting with gas. Court rooms are prepared with more special reference to the convenience of judges, lawyers, jurors, witnesses and parties, and in this case the spectators will be a sort of ‘Sabbath days journey’ from bench and witness stand. Much of the furniture was transferred from the Court room in the ‘Ark.’”

A decade had made few changes in the character and personality of the Concord bar, scarcely a name had disappeared since the year 1840; the only changes found in 1850 were the names of half a score of new attorneys, of whom not a few were destined to attain a high rank and confer still greater repute on Concord. In 1850 there were twenty practising lawyers, the recent acquisitions being Calvin Ainsworth, Sylvester Dana, Josiah Minot, John H. George, Lyman D. Stevens, George G. Fogg, Henry A. Bellows, A. Herbert Bellows, Henry P. Rolfe, William H. Bartlett, and Samuel M. Wheeler. Out of that number the future was to select a chief justice, two associate justices, a foreign minister, two police justices, a mayor, a speaker of the house, and two United States district attorneys.

At that time three courts comprised the judiciary of the state,—the superior court of judicature, the court of common pleas, and the court of county justices. This system was then nearing its end, having failed to meet the requirements of the people in the routine and despatch of business. With the exception of County Judge Jacob A. Potter, Concord at this time had no representative on the bench. But in 1852 Ira Perley became a judge, and from that day to the present, Concord has had one or more of its lawyers on the supreme court.

Calvin Ainsworth was born in Littleton, the 22d of August, 1807, received a fair education, and formed a partnership with Ira Perley in 1842. From 1845 to 1850 Mr. Ainsworth was register of probate, and in 1852 he was one of the commission to revise the laws. His associates were Ralph Metcalf and Samuel H. Ayer, and together they completed their labors in a year's time, giving to our legal literature “The Compiled Statutes.” It was, however, as a business man rather than as a lawyer that Mr. Ainsworth was known and remembered, though it may be recorded of him that he achieved the distinction of serving as Concord's first police justice, his term embracing the inaugural years of the city organization, 1853–'54. In the latter

year he left Concord and sought a home in Wisconsin, where he became prominent in civil affairs. His death occurred at Madison, the 7th of July, 1873.

Josiah Minot, after a few years' practice in Bristol, took up his residence in Concord in 1844. Henceforth, for nearly half a century, he occupied a foremost place among the lawyers of his time; he was emphatically a lawyer to the lawyers, a source whence was derived many a successful brief and plan, and many a legal victory. In business, too, his shrewd, forestalling mind commanded almost unflinching success. He was born in Bristol the 17th of September, 1819. After graduation at Dartmouth, in 1837 he studied law with two eminent masters of the profession,—John J. Gilchrist and Samuel D. Bell, both chief justices. On coming to Concord, Mr. Minot at once went into partnership with Franklin Pierce, thus forming a firm of combined genius and talent. This alliance continued until 1852, when the senior partner became president-elect of the Republic, and the junior went on the bench as a circuit judge. Three years in all comprised his judicial career, for in 1855 President Pierce—feeling, perhaps, the want of Mr. Minot's sound counsel—appointed him United States commissioner of pensions, with residence at Washington. Publicity was poison to Judge Minot; he shunned a show as he would a pestilence; self-effacement was a passion with him. His experience on the bench was incompatible to his nature, and so was practice before courts and juries and spectators; he sought to avoid them all. He actually eliminated himself from professional activity, so far as the public knew it, yet behind the scenes he maintained the closest of relations with both bench and bar. Beyond all others that have practised at the Concord bar, Judge Minot, while a man of the closet, was the astutest legal manager of his day. His mental operations were dazzlingly rapid, penetrating the intricacies of every entanglement, and clearing away obscurities as by intuition. His services were constantly in demand. In the railroad questions of the period he took an active part; in important business concerns he was a factor, sometimes as umpire, sometimes as originator. Banking was peculiarly to his taste, and in its pursuit he gained a wide reputation for financial skill and wisdom. Timid he certainly was, and conservative as well; he was never the man to clear the wilderness, but following the pioneers he discovered opportunities, and put himself in their way. Eminently successful in worldly affairs, he accumulated a large property.

No estimate of Judge Minot would be complete unless reference is made to the deep influence he exercised over his associates. Always surrounded by men of exceeding ability, some of them headstrong

and aggressive, he nevertheless was their master mind. He bent them to his way of looking at things, and indoctrinated them with his views. Constitutionally retiring, society scarcely knew him, nor was his manner calculated to attract young men. His influence died with him, for he exercised it wholly among his contemporaries. In 1870 was formed the partnership of Minot, Tappan & Mugridge, whose personal and professional elements were certainly most distinguished. This was Judge Minot's last law connection; although, when Colonel Tappan retired from the firm, the judge continued for several years with Mr. Mugridge. Many were the anecdotes told of Judge Minot illustrative of his wit and humor, one of which was highly relished by members of the fraternity. It was this: A big, boastful, and somewhat impecunious attorney boasting of his attainments once said to the judge: "Judge, what do you say to our going into business together; I will furnish brains while you furnish the capital?" Quickly drawing a copper cent from his pocket, the judge replied, "All right, you cover that." For several years preceding his death physical infirmities compelled his abstinence from business, yet his intellect remained clear almost to the end. He died on the 14th of December, 1891.

As a lawyer of rare mental gifts, and as a man of remarkable attainments, William H. Bartlett afforded a conspicuous example. It is no exaggeration to say of Judge Bartlett that, with the possible exception of Ira Perley, he was intellectually the peer of any man known to the annals of Concord. He was a leader in college, at the bar, and on the bench. His life was a brief one, yet long enough to establish his fame. Born in Salisbury the 20th of August, 1827, he was graduated at Dartmouth twenty years later, the head man of his class. He at once came to Concord and studied law with Ira Perley and Henry A. Bellows, and at the time of his decease both these eminent lawyers were his associates on the bench. Beginning practice in 1851, he soon attracted the choicest clients,—not only in the county but elsewhere. In 1853-'54 he served Concord as city solicitor, this being his one elective office. As an advocate he was not happy, for jury trials were not to his taste. But in the field of pure law and logic he was, indeed, pre-eminent. And so in 1861 when Asa Fowler resigned from the supreme court professional pride and public opinion alike pointed to Mr. Bartlett as his successor. From 1861 to 1867 Judge Bartlett illumined a bench already bright in accomplishments, and demonstrated beyond question that he possessed a judicial genius of the rarest kind. And yet disease was upon him, gradually stealing away his strength but never touching his splendid intellect. Six years comprised his judicial career, a

period full of brilliant achievements and judicial victories. During this time his relations with his associates were most agreeable, while to the lawyers and to the public he endeared himself as few had ever done. Socially Judge Bartlett was one of the most charming of men, and an hour in his company was a treasured memory in after years. His active mind did not stop at law, it explored the realms of literature and was laden with riches. He died on the 24th of September, 1867, at his home on Pleasant street.

While the name of George G. Fogg appears as a practising attorney he really came to Concord as a journalist, for such was his calling, and in it he achieved reputation and success.

One of the most amiable and companionable lawyers at the bar was Abel Herbert Bellows. He was a member of the well-known family of that name, and his advantages were of the best. Born in London, England (where his parents were then on a visit), on the 28th of May, 1821, he was graduated at Harvard in 1842. Supplementing his course at the Harvard Law school with diligent study in the office of Frederick Vose of Walpole, Mr. Bellows came to Concord about the year 1850 and became a partner of his kinsman, Henry A. Bellows. He was distinctively a social leader,—a position merited by his fine education, his comfortable estate, and his knowledge of the amenities of life. In the organization of the celebrated Governor's Horse Guards, no one did more to make the organization a splendid success than Colonel Bellows. After leaving Concord he took up his residence in Walpole, representing that town twice in the legislature. He died at Boston on the 23d of March, 1889.

The record of the period would be incomplete without mention of a distinguished townsman who, while not giving his whole attention to law, was yet a member of the bar and a public leader as well. Nathaniel B. Baker was one of Concord's favored sons, and although his career in New Hampshire was a brief one, it challenged comparison for brilliancy and promise. Born in Henniker the 29th of September, 1818, a student at Dartmouth, and a graduate at Harvard in 1839, he began studying law with Pierce and Fowler, finishing with Charles H. Peaslee in 1842. Given an inclination to politics, personal association with party leaders was sure to bear results, so Mr. Baker became a proficient disciple of his instructors and an early aspirant for public honors. He did not have long to wait, for in 1850 Concord sent him to the legislature, where he was chosen speaker, and a more genial and a better-versed speaker New Hampshire had not known. The election of 1851 was a great surprise; for with three candidates for governor in the field—Dinsmoor, Sawyer,

and Atwood—the vote was considerably confused, leaving the election to the legislature. Concord, at that time, was entitled to seven representatives; yet so fierce was the contest that one only was elected, and that was Mr. Baker. Again he graced the speaker's chair. Few men were more companionable, and no man was more popular, hence his name remained prominently before the people. Political conditions, however, were beginning to change, and it so happened that the final change clustered about Mr. Baker. In 1854 the Democrats nominated him for governor, and he was elected. The next year he was renominated; and while no Democrat could have run better, victory was impossible, and in June, 1855, he returned to private life, followed by the good wishes of the public. The same year he took his departure for a home in the West, but his genius for popularity attended him. Iowa was as glad to welcome such a man as New Hampshire was sorry to lose him; and he was once more in public life as a member of the legislature, and during the Civil War as adjutant-general, discharging his duties to the utmost, and winning a name to be remembered in the state of his adoption. Governor Baker died in Des Moines the 12th of September, 1876.

From 1847 to 1853 Samuel M. Wheeler practised his profession in what is now Penacook. While Mr. Wheeler's fame is really the possession of Dover—where he went from Concord, and where, after a distinguished career, he died—he was a member of the local bar, and even then gave promise of future achievements. In 1869 and 1870 he was speaker of the house. He died at Dover the 21st of January, 1886.

A well-known attorney, whose active career, beginning about 1850, continued for many years, was Henry P. Rolfe. Boscawen was his native place, his birthday being the 13th of February, 1821. Teaching school, as so many lawyers have done, he prepared himself for college. His class at Dartmouth was that of 1848. Studying law with Asa Fowler, he was admitted to practice in 1851. He soon formed a partnership with Anson S. Marshall, a college classmate, with whom he remained until 1859. Mr. Rolfe was prominent in party affairs, and as a Democrat represented his ward in the legislature of 1853. The Civil War, however, changed his political sentiments, causing him to enter zealously into the Republican party, where he remained the rest of his days. In 1863-'64 he again was in the legislature, where he took a leading part and an important one in those turbulent and almost revolutionary sessions. In 1869 President Grant appointed him United States district attorney, and for five years he discharged the duties of his office. After this time he was gradually withdrawing from practice when a savage injury ended

his professional relations completely. Agriculture was always his delight, and he tilled his few acres with exceeding pleasure. He died on the 29th of May, 1898.

By the time Henry A. Bellows came to Concord his repute as a successful lawyer had preceded him. For more than twenty years he was a leader at the Grafton bar, then comprising a remarkable number of able lawyers, and this leadership he at once assumed in the wider field about Concord. Born at Rockingham, Vt., the 25th of October, 1803, his education was wholly that of the preparatory academies. He began practice at Littleton in 1828, coming to Concord in 1850. While his activity at the Concord bar continued but nine years, his engagements were many, his cases important, and his emoluments satisfying. He was a peer among gentlemen, a deeply conscientious man, without guile, abounding in good deeds and clean thoughts. Brilliant he was not, nor was he dramatic or severe. Courtesy was a part of his being, yet he sacrificed no right of his clients. Those who knew him best used to criticise his imperturbable prolixity in the conduct of his cases. To hurry him was impossible, for he regarded time as an ally and moved accordingly. An amusing story illustrates his peculiarities. He was cross-examining a witness on handwriting, the genuineness of which was in dispute. The name beginning with the letter A, Mr. Bellows asked a string of questions all pertaining to the various shades and slants of the letter, how the pen was held and the fingers applied with their touches and pressure, the formation of its curves, its termination, and its relativity to the following mark; in fact, a score of questions was asked. Then he went to the next letter in the same manner. After half an hour of this method the presiding judge, growing nervous, exclaimed,—“Brother Bellows, don’t you think that this line of examination has gone far enough?” “Perhaps so, your honor,” responded the bland lawyer; “if it has, we will now take up the next letter.”

The Free Soil movement appealed strongly to Mr. Bellows, and he became a Republican, representing Ward five in the legislatures of 1856 and 1857. Like Asa Fowler, he was skilful in framing legislative bills, and his services were in constant demand. In 1859 he became an associate justice of the recently created supreme judicial court, and thenceforth to his decease the bench was his place of labor. Judge Bellows, while holding conservative views on jurisprudence, was free from dogmas; he revered common law and strove to keep it undefiled. Startling originality was foreign to his nature,—he preferred the lights of well-considered precedents. Deeply read in law, his varied and extensive practice, close investigations, and robust common-sense qualified him admirably for his new position. More-

over, his mind was well balanced, his disposition sweet, and his manner conciliatory. Complete and perfect justice was always his aim; prejudice had no standing in the forum of his conscience. Socially, the judge was a great favorite, popular alike with old and young. His lameness and his white hair alone marked his years, for his clear and rosy face and sprightliness of wit attended him to the grave. In religious sentiments a liberal, he was, like his distinguished relative, the Reverend Henry W. Bellows, a lifelong and prominent member of the Unitarian denomination. On the retirement of Chief Justice Perley in 1869, Governor Stearns at once appointed Judge Bellows to the vacancy, and there he remained an exemplar of goodness and wisdom and an honor to his state until his sudden death in March, 1873. During nearly all his residence in this city Judge Bellows lived on the corner of Pleasant and State streets, now the site of Fowler block.

During the decade following 1850, Concord became the residence of two eminent jurists, already on the bench, one occupying the position of United States district judge for New Hampshire, the other that of associate justice of the supreme judicial court,—Matthew Harvey and Ira A. Eastman. Both had been prominent in the politics of the state. Both had been speakers of the house and members of congress, and Mr. Harvey had been governor. Matthew Harvey was a native of Sutton, his birthday being the 21st of June, 1781. After graduation at Dartmouth, in 1806, he began practice in Hopkinton. He soon acquired a wide clientage, for in those days Hopkinton was a place of considerable importance, the courts sitting there and sometimes the legislature. He early became interested in politics, and preferment followed rapidly. In his own words he gives an epitome of his career: "In 1814 I was chosen representative to the legislature and continued for seven years successively, the last three of which I was speaker. During the last year I was elected to congress, and served four years. When I returned home I had been elected to the state senate, and so continued three years, being president all that time; then chosen councilor two years, and then in 1830 elected governor of the state. During that year I received the appointment of judge of the United States district court from President Jackson, and have held that office to the present time [1864]—a period of fifty years of officeholding, not omitting a day."

His record was certainly remarkable, and probably unparalleled in New Hampshire. His career in one respect was without precedent, for he was the only governor of New Hampshire who ever resigned his office to be succeeded by the president of the senate. Judge Harvey remained on the federal bench thirty-six years, again making for himself a record of judicial tenure almost unsurpassed.

He failed in nothing, though he was not a brilliant man nor a very deep lawyer, but he possessed a stout understanding, a solid character, and a genuine interest in his work. Altogether, his career reflected the greatest credit on his profession. Judge Harvey also deserves mention for his efforts while governor to abolish imprisonment for debt and for certain other measures of prison reform. His private life was charming, and his residence was often the scene of hospitality. His nature was kindly, his generosity free, and his public spirit pronounced. He came to Concord in 1850, and lived at the time of his death, in 1866, on North State street near Court.

Ira A. Eastman, although a resident of Concord only a few years, never lost his interest in the city and its people, and in the last years of his life, notwithstanding he lived at Manchester, few lawyers were seen more frequently on our streets than Judge Eastman. Born in Gilmanton on the 1st of January, 1809, graduating at Dartmouth twenty years later, he began practice in his native town. In respect to office-holding, Mr. Eastman had much the same record as Judge Harvey. There was scarcely a year from 1834 to his leaving the bench in 1859, when he was not in some public position. Representative, speaker, register of probate, and congressman were among his honors. His judicial temperament was recognized, so in 1844 he became a circuit judge, holding that place for five years, when he was promoted to the superior court. Of this tribunal and its successor, known as the supreme judicial court, Judge Eastman continued a member until 1859, when he resigned and returned to active practice. In 1853 he moved to this city, making his home here until about the time of his leaving the bench, when he took up his residence in Manchester. The judge was a very courteous man, dignified yet simple, easy of intercourse and conciliatory in disposition. During his service on the bench he was certainly industrious, for no judge wrote a greater number of well considered and more researchful opinions than he. He died on the 21st of March, 1881.

Along in the early fifties a trial took place in Concord full of interesting incidents and personal settings that attracted large audiences and furnished a lively theme for current talk. It was the case of Spinster A. *vs.* Mr. and Mrs. X., for slander. The proceedings lasted a week, during which more than a score of witnesses, nearly all of whom were females, were called upon to testify. This of itself imparted an unusual liveliness, which resulted in more or less bitter recrimination. Judge George Y. Sawyer, a jurist of remarkable attainments, held the term and contributed largely to controlling the passions and moderating the sharp testimony of that class of

witnesses. The case had been so thoroughly talked over by those interested that the entire population of Loudon, the home of the parties, was arrayed either on one side or the other, thus making the court-room seem like a beehive, despite the menaces of the sheriffs. Moreover, the positiveness and self-assertion of the witnesses often bordered on contempt of court, for many of them were distinguished for well-seasoned impertinence and unrestrained loquacity. These traits showed forth on the least provocation, and once let loose all but defied suppression. The rules of evidence were cast aside, for neither judge nor counsel could stem the flood of irrelevant opinions and hearsay testimony that swept over the trial. Sometimes the judge, the counsel, and the witness were all speaking at the same moment; again, the witness would finish her say regardless of the combined protest of judge and counsel.

Among the amusing peculiarities brought out was the precise and self-satisfied way the witnesses had of promptly seating themselves as soon as sworn, as if each had come to make a day of it. The lawyers connected with the case served to add interest to the proceedings, for Franklin Pierce and Charles H. Butters had charge of the plaintiff's side, while Henry A. Bellows and Calvin Ainsworth appeared for the defendants. General Pierce, upon whose head was so soon to fall the highest of civil honors, was the central figure in this little drama of the courts. He was a few days past the age of forty-seven, a handsome, engaging man, then in the fulness of his powers, the unrivaled leader of the New Hampshire bar. The circumstances of the case appealed strongly to his sense of gallantry and justice, and he threw himself without reserve into the prosecution of his client's cause. It was precisely the kind of contest to bring out his professional resources and to mould before the eyes of the jury the figure of a woman suffering from spite and wrong. For a full week he and his client sat side by side as if separation might invite harm. In the newspapers of the time Miss A. was thus described: "She is of slight figure, dark hair, sharp features, attired in good taste, with dark cloak and dress; she wears a fitch tippet and cuffs to match, a black silk bonnet and dark veil. It was remarked that she alone of all her sex remained in the court-room during the final arguments, and that her presence within the bar doubtless spurred her counsel to unusual devotion in his close to the jury. However that might have been, the twelve men were profoundly impressed with something, for it did not take long to render a verdict in her favor amounting to eight hundred and eight dollars and thirty-four cents, which, according to one of the jurymen, represented the quotient of twelve different scenes of healing balm."

At the breaking out of the Civil War, the state register gave the names of thirty-four attorneys then practising their profession in Concord. Of this number no fewer than eleven were at the bar in 1850. Among the new names were: Anson S. Marshall, William L. Foster, John Y. Mugridge, Lyman T. Flint, William E. Chandler, Napoleon B. Bryant, Hamilton E. Perkins, Benjamin E. Badger, Samuel G. Lane, Jonas D. Sleeper, Jonathan Kittredge, Charles P. Sanborn, Samuel C. Eastman, Benjamin T. Hutchins, and Edward C. D. Kittredge. The last two spent but a brief time at this bar, and soon moved elsewhere.

As in 1850, so in 1860 the future held many distinctions in store for the new members of the Concord bar. A United States senator and secretary of the navy, four speakers of the house, one United States district attorney, a president of the senate, two judges of our highest court, a probate judge, a police justice, and two state reporters comprised the list of honors.

During the fifties Concord was ably represented on the benches of the higher courts by such eminent lawyers as Perley, Fowler, Eastman, Bellows, and Minot, with Bartlett soon to follow. Hamilton E. Perkins became judge of probate, and meanwhile Calvin Ainsworth, Josiah Stevens, John Whipple, and David Pillsbury filled the position of police justice. Three state reporters—William L. Foster, George G. Fogg, and William E. Chandler—divided the decade among them.

Lyman T. Flint was born in Williamstown, Vt., the 29th of September, 1817, and was graduated at Dartmouth, 1842. In 1850 he moved to Concord, which was his residence ever after. Mr. Flint was a man of learning, and a careful lawyer. About the early seventies he became county solicitor, and being a man of conscience and entertaining strong convictions respecting the liquor laws, he did his utmost to enforce them. No official ever worked harder, and with less result. Public sentiment had not reached the plane of to-day, and a resolute official met with chilling response. To look back to those days is to see Mr. Flint a man ahead of his time working to bring about the impossible. Several years before his decease he withdrew from practice, and retired to a farm near St. Paul's School, where he died on the 14th of April, 1876.

From the nature of his office as judge of probate, few lawyers were better known, not only in Concord, but throughout the county, than Hamilton E. Perkins. Born in Hopkinton the 23d of November, 1806, educated at Phillips (Exeter) and at the famous military school at Norwich, Mr. Perkins studied law with Matthew Harvey and Samuel Fletcher, and also at the Harvard Law school, beginning practice in his native town. In 1853 he moved to Concord, and

here he died. In July, 1856, Mr. Perkins was appointed judge of probate and held the position until 1871. He came into office by means of a political overturning, and by the same means he went out. Judge Perkins evinced no ambition to practise law,—the details and drudgery were alike alien to his nature,—so he passed his years in more agreeable pursuits, and in social intercourse with his fellow-men. His death occurred the 6th of January, 1886.

The attractions of Concord as a residence for judges was shown in the case of Jonathan Kittredge, who at once moved here on his appointment as chief justice of common pleas in 1855. He was a native of Canterbury, his birthday being the 17th of July, 1793. After graduation at Dartmouth, 1813, he began professional life in New York city. A few years later he opened an office in Canaan, where he continued practice until his elevation to the bench. In politics he was more than a local leader, for his successive terms in the legislature gave him a wide acquaintanceship. In 1855 the judicial system of New Hampshire was completely changed, two courts being established, the supreme judicial and the common pleas, and of the latter Mr. Kittredge became chief. His career, however, on the bench was comparatively brief, for four years after receiving his commission the court was legislated out of existence. Judge Kittredge was a man of strong will, of energy and forth-putting, brusque, yet not harsh, a man of convictions with the courage of assertion. As a lawyer he ranked well; he bestowed research on his work and gave his best to his clients. As a judge his opinions carried weight, for they were the results of investigation and logical application of the law. He died on the 8th of April, 1864.

As strong a lawyer and as noteworthy a citizen as Concord ever produced was John H. George. He was a native of Concord, his birthplace being in the house now occupied by his son and daughter. The date of his birth was the 20th of November, 1824. Having in his youth many advantages, for his father was long a leading man of the town, Mr. George received a good start in life, and in 1840 entered Dartmouth. He did not, however, graduate with his class, but the college conferred the usual degree in after years. At once beginning the study of law under the more than friendly direction of Franklin Pierce, he was equipped for practice in 1846. But the young student had studied something besides law; he had absorbed political lore as well, and he speedily became a politician and lawyer of remarkable force and originality. Thenceforth to the close of his career Colonel George mingled law and politics as few of his contemporaries had ever done, or ever could do, and strangely, too, this divided devotion in no wise impaired his great success as a lawyer.